

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

CNB BANCSHARES, INC.,

Plaintiff,

v.

STONECASTLE SECURITIES,

Defendant.

)
)
)
)
)
)
)
)
)
)

**No. 3:09-CV-33
(Phillips/Guyton)**

MEMORANDUM AND ORDER

On March 25, 2009, the Honorable H. Bruce Guyton, United States Magistrate Judge, filed an 11-page Report and Recommendation (R&R) [Doc. 95] in which he recommended that Stonecastle's motion for attorney's fees and expenses [Doc. 75] be granted in part and denied in part. Specifically, Magistrate Judge Guyton recommended that Stonecastle's request for fees and costs be granted in the amount of \$51,351.49, but any request for fees beyond that amount be denied.

This matter is presently before the court on defendant CNB's 16-page objection to the R&R [Doc. 97]. Stonecastle has not objected to the Magistrate Judge's R&R. As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which CNB objects. After carefully considering the

record in this case, the briefs of the parties, and the applicable law, the court finds itself in agreement with Magistrate Judge Guyton's recommendation that Stonecastle be awarded attorney's fees and costs in the amount of \$51,351.49.

The court notes that all of CNB's objections to the Magistrate Judge's R&R are arguments previously raised by CNB in its response to Stonecastle's motion for summary judgment and CNB's motion to reconsider, filed after summary judgment was granted to Stonecastle. All of which is to say that the court has considered CNB's arguments once, twice, and now a third time. As these arguments have already been analyzed and found to be without merit, a detailed written opinion covering the same ground would be unduly duplicative.

For the reasons stated in the court's prior opinions [Docs. 72 and 89], as well as the reasons articulated by Magistrate Judge Guyton in his R&R, CNB's objections to the R&R [Doc. 97] are hereby **OVERRULED** in their entirety whereby the R&R [Doc. 95] is **ACCEPTED IN WHOLE**. Accordingly, the court finds that Stonecastle's motion for attorney's fees and costs is **GRANTED IN PART AND DENIED IN PART**. The motion is **GRANTED** to the extent that Stonecastle is awarded attorney's fees and costs in the amount of \$51,351.49; the motion is **DENIED** as to any fee request beyond that amount.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge